

AO 441 (Rev. 12/09) Summons on Third-Party Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of New York

<u>JEREMY LEVIN and DR. LUCILLE LEVIN</u>	)	
Plaintiff	)	
v.	)	Civil Action No. 09 Civ. 5900 (RPP)
<u>CITIBANK, N.A.</u>	)	
Defendant, Third-party plaintiff	)	
v.	)	
<u>JASON KIRSCHENBAUM, ET AL. [SEE RIDER]</u>	)	
Third-party defendant	)	

**SUMMONS ON A THIRD-PARTY COMPLAINT**

To: (*Third-party defendant's name and address*) Jason Kirschenbaum, et al. c/o Curtis C. Mechling, James Bernard and Judy P. Goodwin, STROOCK & STROOCK & LAVAN LLP, 180 Maiden Lane, New York, New York 10038

A lawsuit has been filed against defendant Citibank, N.A., who as third-party plaintiff is making this claim against you to pay part or all of what the defendant may owe to the plaintiff Jeremy Levin & Lucille Levin.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(3) — you must serve on the plaintiff and on the defendant an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the defendant or defendant's attorney, whose name and address are:

Davis Wright Tremaine LLP, 1633 Broadway, 27th Floor, New York, New York 10019, Attn: Sharon L. Schneier, Esq., Counsel for Defendant and Third Party Petitioner Citibank, N. A.

It must also be served on the plaintiff or plaintiff's attorney, whose name and address are:  
Don Howarth, Esq. and Suzelle M. Smith, Esq., Howarth and Smith, 523 West Sixth Street, Suite 728, Los Angeles, CA 90014

If you fail to respond, judgment by default will be entered against you for the relief demanded in the third-party complaint. You also must file the answer or motion with the court and serve it on any other parties.

A copy of the plaintiff's complaint is also attached. You may — but are not required to — respond to it.

Date: JUN 26 2012

*RUBY J. KRAJICK*  
CLERK OF COURT

*[Signature]*  
Signature of Clerk or Deputy Clerk

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Civil Action No. 09 Civ. 5900 (RPP)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

- I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or
- I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_,  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or
- I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or
- I returned the summons unexecuted because \_\_\_\_\_; or
- Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Kirschenbaum Rider**

**Jason Kirschenbaum**

**Isabelle Kirschenbaum**

**Estate of Martin Kirschenbaum**

**Danielle Kirschenbaum**

**David Kirschenbaum**

**Joshua Kirschenbaum**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-X

JEREMY LEVIN and DR. LUCILLE LEVIN,

Civil Action No. 09 CIV. 5900

Plaintiff,

-against-

**AFFIDAVIT OF SERVICE**

CITIBANK, N.A.,

Defendant-

Third-Party Plaintiff,

-against-

JASON KIRSCHENBAUM; ET AL.

Third-Party Defendant.

-X

STATE OF NEW YORK )

S.S :

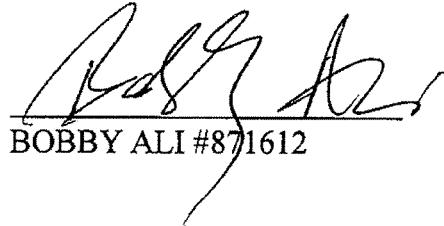
COUNTY OF NEW YORK )

BOBBY ALI, being duly sworn, deposes and says that he is an employee of KEATING & WALKER ATTORNEY SERVICE, INC., is over the age of eighteen years and is not a party to the action.

That on the 27th day of June, 2012, at approximately 5:00 p.m., deponent served a true copy of the Summons on a Third Party Complaint; Third Party Complaint; ECF Rules & Instructions and Judge's Rules upon Jason Kirschenbaum, Et Al., Third-Party Defendants, c/o Stroock & Stroock & Lavan LLP-Attention: Curtis C. Mechling, James Bernard and Judy P. Goodwin (attorneys for third-party defendants) at 180 Maiden Lane, 34th Floor, New York, New York 10038 by personally delivering and leaving the same with Joseph Dell'Aquila, Managing Clerk's Office, who stated that he is authorized to accept service.

Joseph Dell'Aquila is an olive-skinned Hispanic male, approximately 45 years of age, is approximately 5 feet and 8 inches tall, weighs approximately 160 pounds, with short light brown hair and dark eyes.

Sworn to before me this  
17th day of July, 2012

  
BOBBY ALI #871612

  
NOTARY PUBLIC, STATE OF NEW YORK  
MICHAEL J. KEATING  
Reg. No. 01-KE-4851559  
Qualified in New York County  
Commission expires February 3, 2014